

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**RANDAL PRUIT,**

**Plaintiff,**

**vs.**

**No. 1:20-CV-00467- WJ-SCY**

**HALEY LEVY, TIMOTHY  
ORUM,**

**Defendants.**

**ORDER GRANTING MOTION TO EXTEND TIME**

THIS MATTER is before the Court on Plaintiff Randal Pruit’s Motion for Extension of Time to Respond to Defendants Motion to Enforce Settlement. (Doc. 46). The Court will grant the extension of time and require Plaintiff to file his response no later than December 12, 2023.

By this Court’s November 7, 2023, Order, the deadline for Plaintiff to file his response to the Motion to Enforce expired on December 5, 2023. (Doc. 42). In his December 7, 2023, Motion, Plaintiff seeks an “extension” of time to file his response to the Motion to Enforce, due to computer issues he has experienced. (Doc. 46). Technically, because the time for him to file his response has already expired, the expired time cannot be extended. The Court may, however, reopen and grant an extension upon a showing of good cause. *See* Fed. R. Civ. P. 6(b)(1)(B) (“When an act may or must be done within a specified time, the court may, for good cause, extend the time ... on motion made after the time has expired if the party failed to act because of excusable neglect.”). “[E]xcusable neglect under Rule 6(b) is a somewhat elastic concept and is not limited strictly to omissions caused by circumstances beyond the control of the movant.” *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 392 (1993) (quotation marks omitted). “[T]he determination is at bottom an equitable one, taking account of all relevant circumstances

surrounding the party's omission.” *Id.* at 395; *Lay v. Wal-Mart Stores E., L.P.*, No. CV 20-280 SCY/KK, 2020 WL 6709541, at \*2 (D.N.M. Nov. 16, 2020).

The Court finds that Plaintiff Pruitt’s computer issues constitute good cause under Rule 6(b) to extend the time for him to file his response. Therefore, the Court will grant him the extension of time to his requested December 12, 2023, date. However, the Court notifies Plaintiff Pruitt that no further extensions will be granted. If his response is not filed with the Court before or on December 12, 2023, he will be deemed to have consented to the Motion to Enforce.

IT IS ORDERED that Plaintiff Randal Pruitt’s Motion for Extension of Time to Respond to Defendants’ Motion to Enforce Settlement (Doc. 46) is granted and the time for Plaintiff Pruitt to file his response to Defendants’ Motion to Enforce Settlement is extended to December 12, 2023.

  
UNITED STATES MAGISTRATE JUDGE